

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

BONITATEBUS, Jr.

Serial No. 09/682,170

Group Art Unit: 1754

Filed: July 31, 2001

Examiner: Jonas N. Strickland

For METHOD FOR REACTIVATING A DEACTIVATED CATALYST  
COMPOSITION

REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents

Box Non-Fee

Washington, D. C. 20231

Sir:

Claims 1 to 86 are pending.

The May 7, 2003 Office Action rejects claims 1 to 86. Reconsideration is respectfully requested for the following reasons:

Claims 1 to 86 were rejected under 35 U.S.C. §102(e) over Grade et al. (U. S. 6,410,774). 35 U.S.C. 102(e) entitled "Conditions for patentability; novelty and loss of right to patent" provides that a person shall be entitled to a patent unless:

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent ....

Effective November 29, 1999, subject matter that was prior art under former 35 U.S.C. 102(e) is now disqualified as prior art against a claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Grade et al. is a United States Patent, filed on March 30, 2001, issued on June 25, 2002 and assigned to General Electric Company (Schenectady, NY). At the time of filing of the present application, the inventors were under an obligation to assign the invention to

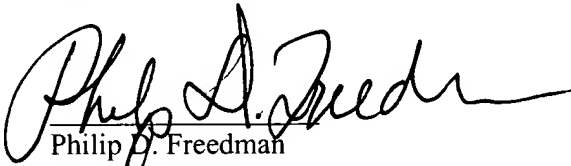


the same General Electric Company as evidenced by the recorded assignment in this case. Hence, the Grade et al. patent is not a proper 35 U.S.C. §102(e) reference. The rejection of claims 1 to 86 under 35 U.S.C. §102(e) over Grade et al. (U. S. 6,410,774) should be withdrawn.

In view of the foregoing remarks, reconsideration and allowance of claims 1 to 86 are respectfully requested.

Should the Examiner believe that any further action is necessary in order to place this application in condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Philip D. Freedman  
Reg. No. 24,163  
Philip D. Freedman PC  
Customer Number 25101  
6000 Wescott Hills Way  
Alexandria, Virginia 22315-4747  
(703) 313-0171  
Fax: (703) 313-9322  
Email: tekesq@tekesq.com

Alexandria, Virginia  
JUNE 18, 2003